

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEFFREY JACKSON-EL,

Plaintiffs,

Hon. Janet T. Neff

v.

Case No. 1:10 CV 1203

JAMES SHINGOLA, JR., et al.,

Defendants.

_____/

REPORT AND RECOMMENDATION

Plaintiff initiated the present action against James Shingola, Jr., James Shingola, and Kimberly Shingola. Plaintiff asserts that on June 1, 2010, he was being chased by a stray dog. While not directly stated, Plaintiff appears to assert that Defendants are the owners of the dog in question. Plaintiff asserts that while attempting to escape from the dog he fell down suffering “great bodily injury.” Plaintiff asserts that the dog’s owners failed to properly contain their dog in violation of Kent County regulations. Plaintiff may also be attempting to assert a state law tort action. Plaintiff further asserts that the dog owner’s actions violated his federal due process rights. Plaintiff requests \$200,000 in damages.

The Court has granted Plaintiff’s motion to proceed as a pauper in this matter. Having granted Plaintiff’s motion to proceed as a pauper, the Court has conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2) to determine whether it is frivolous, malicious, or fails to state a claim upon which relief can be granted. Having conducted this initial review, the Court recommends that Plaintiff’s complaint be dismissed.

To the extent that Plaintiff asserts a violation of federal law, such assertions fail to state a claim on which relief may be granted. Accordingly, the undersigned recommends that Plaintiff's federal law claims be dismissed with prejudice. To the extent that Plaintiff asserts claims under state or local law, the undersigned recommends that the Court decline to exercise jurisdiction over such. *See* 28 U.S.C. § 1367. Accordingly, the undersigned recommends that such claims be dismissed without prejudice.

CONCLUSION

For the reasons articulated herein, the undersigned recommends that Plaintiff's federal law claims be **dismissed with prejudice**. The undersigned further recommends that Plaintiff's claims asserted under state or local law be **dismissed without prejudice**.

OBJECTIONS to this Report and Recommendation must be filed with the Clerk of Court within fourteen (14) days of the date of service of this notice. 28 U.S.C. § 636(b)(1)(C). Failure to file objections within the specified time waives the right to appeal the District Court's order. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir.1981).

Respectfully submitted,

Date: December 9, 2010

/s/ Ellen S. Carmody
ELLEN S. CARMODY
United States Magistrate Judge